

copy of an amendment to an agreement regarding cooperation on the uses of atomic energy for mutual defense purposes, together with an accompanying envelope marked “Secret,” were laid before the House.

To the Congress of the United States:

Pursuant to the Atomic Energy Act of 1954 as amended, I am submitting to the Congress an authoritative copy of an amendment to the Agreement between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, as amended. The Amendment was signed at Washington on October 16, 1969. . . .

I am also transmitting a copy of the Secretary of State’s letter to me accompanying authoritative copies of the signed Amendment, a copy of a joint letter from the Chairman of the Atomic Energy Commission and the Secretary of Defense recommending approval of this Amendment, and a copy of my memorandum in reply thereto, setting forth my approval.

RICHARD NIXON.

THE WHITE HOUSE, *January 26, 1970.*

Parliamentarian’s Note: The President’s message was laid before the House and read and then referred to the Joint Committee on Atomic Energy, along with an accompanying classified envelope marked “Secret,” which was not opened or read. After processing

the message, the bill clerk delivered the message and accompanying envelope to a staff member of the joint committee, who signed a receipt therefor.⁽⁹⁾

In the case of a classified executive communication that is received when the House is not in session, an employee in the Office of the Clerk who has an appropriate security clearance delivers the document to the appropriate committee and the referral is noted in the *Congressional Record*.

§ 4. Joint Sessions to Receive Presidential Messages: In General

The President, under the Constitution,⁽¹⁾ has the duty from time to time to give to the Congress information on the state of the Union and to recommend the consideration of such measures as he considers necessary and expedient. Such “state of the Union” messages are, in modern practice, delivered in person, but may be transmitted in writing.⁽²⁾ When the President has indicated an intention to address Congress in

9. See also 108 CONG. REC. 9524, 87th Cong. 2d Sess., May 31, 1962.

1. U.S. Const. art. II, § 3.

2. See § 3.3, *supra*.

person, the two Houses provide by concurrent resolution for a joint session to receive the message. Such a resolution is held to be of the highest privilege.⁽³⁾

Topics that the President has covered in messages delivered in person to joint sessions of Congress, in addition to state of the Union and budgetary matters, have included the threat of war in the world,⁽⁴⁾ a declaration of war on Japan,⁽⁵⁾ the results of the Yalta Conference at the close of World War II hostilities,⁽⁶⁾ the return of a bill regarding military pay,⁽⁷⁾ a legislative proposal to settle strikes affecting the railroads and soft coal mining industries,⁽⁸⁾ a legislative proposal for comprehensive health care reform,⁽⁹⁾ the announcement of a Middle East peace agreement,⁽¹⁰⁾

3. 8 Cannon's Precedents § 3335.

4. 86 CONG. REC. 6242–44, 76th Cong. 3d Sess., May 16, 1940; and 147 CONG. REC. 17455–57, 107th Cong. 1st Sess., Sept. 20, 2001.

5. 87 CONG. REC. 9519–38, 77th Cong. 1st Sess., Dec. 8, 1941.

6. 91 CONG. REC. 1618–22, 79th Cong. 1st Sess., Mar. 1, 1945.

7. 79 CONG. REC. 7993–97, 74th Cong. 1st Sess., May 22, 1935.

8. 92 CONG. REC. 5752, 5753, 79th Cong. 2d Sess., May 25, 1946.

9. 139 CONG. REC. 22141–47, 103d Cong. 1st Sess., Sept. 22, 1993.

10. 124 CONG. REC. 29916, 29917, 95th Cong. 2d Sess., Sept. 18, 1978.

and the announcement of the end of military operations in the Persian Gulf region.⁽¹¹⁾

Authorizing Resolutions

§ 4.1 A joint session of the two Houses for the purpose of receiving a message from the President is arranged by a concurrent resolution.

On Jan. 7, 1959,⁽¹⁾ the House agreed to a concurrent resolution providing for a joint session for the purpose of receiving the President's message:

Mr. [John W.] MCCORMACK [of Massachusetts]. Mr. Speaker, I offer a resolution (H. Con. Res. 1) and ask for its immediate consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the hall of the House of Representatives on Friday, January 9, 1959, at 12:30 o'clock in the afternoon, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The resolution was agreed to.

The Senate agreed to the concurrent resolution on the next day.⁽²⁾

11. 137 CONG. REC. 5139–42, 102d Cong. 1st Sess., Mar. 6, 1991.

1. 105 CONG. REC. 16, 86th Cong. 1st Sess.

2. See 105 CONG. REC. 144, 86th Cong. 1st Sess., Jan. 8, 1959.

§ 4.2 A concurrent resolution providing for a joint session to receive a message from the President is privileged.

On Sept. 8, 1971,⁽¹⁾ a privileged concurrent resolution was called up from the floor as follows:

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 395) and ask for its immediate consideration.⁽²⁾

The Clerk read the concurrent resolution as follows:

H. CON. RES. 395

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, September 9, 1971, at 12:30 p.m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

President May Suggest Date for Joint Session

§ 4.3 When at the beginning of a new Congress the House has completed its essential organizational business, it

1. 117 CONG. REC. 30845, 92d Cong. 1st Sess.
2. In the Senate, such a measure is a question of high privilege. Riddick/Frumin, *Senate Procedure*, p. 892, S. Doc. No. 101-28 (1992).

informs the President, by committee, that it has established a quorum and is ready to receive any message he may wish to transmit. The committee, when it reports back to the House, sometimes informs the House of the date on which the President desires to address a joint session.

On Jan. 14, 1975,⁽¹⁾ for example, the Majority Leader, a member of the committee appointed to inform the President that the new House was prepared to proceed to business, reported and informed the House of the date on which the President was prepared to address a joint session.

Mr. [Thomas P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, your committee on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty. The President asked us to report that he will be pleased to deliver his message at 1 p.m., Wednesday, January 15, 1975, to a joint session of the two Houses.

JOINT SESSION OF CONGRESS—
STATE OF THE UNION MESSAGE

Mr. O'NEILL. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 1)

1. 121 CONG. REC. 34, 94th Cong. 1st Sess.

and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 1

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on January 15, 1975 at 1 o'clock p.m. for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

Joint Session to Receive Veto Message Delivered in Person by the President

§ 4.4 On one occasion, the President delivered a veto message to a joint session of Congress.

Although the Senate debated the right of the President to deliver a veto message in person,⁽¹⁾ President Franklin D. Roosevelt addressed a joint session on May 22, 1935, for that purpose.⁽²⁾

At 12 o'clock and 27 minutes p. m. the President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House and stood at the Clerk's desk, amid prolonged applause.

1. 79 CONG. REC. 7896-912, 74th Cong. 1st Sess., May 21, 1935.
2. *Id.* at pp. 7993, 7996.

The SPEAKER.⁽³⁾ Senators and Representatives of the Seventy-fourth Congress, I have the distinguished honor and privilege of presenting to you the President of the United States. [Applause.]

VETO MESSAGE OF THE PRESIDENT OF THE UNITED STATES—ADJUSTED-SERVICE CERTIFICATES (H. DOC. NO. 197)

The PRESIDENT OF THE UNITED STATES. Mr. Speaker and Members of the House of Representatives, 2 days ago a number of gentlemen from the House of Representatives called upon me and with complete propriety presented their reasons for asking me to approve the House of Representatives bill providing for the immediate payment of adjusted-service certificates. In the same spirit of courtesy I am returning this bill today to the House of Representatives. . . .

As to the right and the propriety of the President in addressing the Congress in person, I am very certain that I have never in the past disagreed, and will never in the future disagree, with the Senate or the House of Representatives as to the constitutionality of the procedure. With your permission, I should like to continue from time to time to act as my own messenger. . . .

Therefore, Mr. Speaker, I return, without my approval, House of Representatives bill no. 3896, providing for the immediate payment to veterans of the 1945 face value of their adjusted-service certificates.

Thereupon (at 1 o'clock and 10 minutes p. m.) the President retired from the Hall of the House.

3. Joseph W. Byrns (Tenn.).

At 1 o'clock and 12 minutes p.m., the Speaker announced that the joint session was dissolved.

Thereupon the Vice President and the Members of the Senate returned to their Chamber.

ACTION ON THE VETO MESSAGE OF
THE PRESIDENT

The SPEAKER. The objections of the President will be entered at large on the Journal, and the message and the bill printed as a House document.

The question is, Will the House of Representatives, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Parliamentarian's Note: The return of a bill in this manner was unusual as the message otherwise is delivered to the House originating the measure. The other House would be notified only following action by the first House. The House here properly waited until the dissolution of the joint session and the departure of the Senate before proceeding to the reconsideration of the bill.

§ 5. Joint Sessions to Receive Presidential Messages: Procedure

At the appointed hour for a joint session to receive the President, the Members of the Senate arrive and occupy the seats re-

served for them. The President of the Senate (the Vice President) sits to the right of the Speaker, but in the absence of the Vice President, the President pro tempore sits to the left of the Speaker. The Speaker presides.⁽¹⁾ Since the inception of television coverage in the House, the President almost always delivers his annual state of the Union message in the evening.⁽²⁾

Speaker's Declaration of Recess

§ 5.1 The Speaker declares a recess in connection with a joint session to receive a message in person from the President.

Under the authority of Rule I clause 12(a) to "suspend the business of the House for a short time when no question is pending before the House,"⁽¹⁾ the Chair declares a recess for the purpose of preparing the Chamber for a joint session to receive a message from the President, as seen in the proceedings of Jan. 29, 2002:⁽²⁾

1. *House Rules and Manual* § 169 (2007).
2. The first instance of a President delivering an annual message at an evening session occurred on Jan. 3, 1936. See 80 CONG. REC. 27-30, 74th Cong. 2d Sess.
1. *House Rules and Manual* § 638 (2007).
2. 148 CONG. REC. 329, 330, 107th Cong. 2d Sess.